

REMARKS

Specification Amendments. In the Non-Final Office Action, Examiner Hana Asmat objected to the title of the invention as not being descriptive of the invention. The Applicant has amended the title of the invention as suggested by Examiner Hana Asmat. Withdrawal of the objection to the title of the invention is therefore respectfully requested.

Also, the Applicant has amended the specification herein to correct typographical errors in the specification. No new matter was introduced by the amendments to the specification.

Claim Rejections. In the Non-Final Office Action, Examiner Hana Asmat objected to and rejected pending claims 1-7 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration of the present application:

- A. Examiner Hana Asmat objected to dependent claim 3 for being improperly depending from dependent claim 2

The Applicant has cancelled dependent claim 3 herein. Withdrawal of the objection of dependent claim 3 is therefore respectfully respected.

- B. Examiner Hana Asmat rejected claims 1, 2, 4, 6 and 7 under 35 U.S.C. §101 as being the same invention claimed by U.S. Patent No. 6,992,430 B2 to *Cillessen* et al.

The Applicant has thoroughly considered Examiner Hana Asmat's remarks concerning the patentability of claims 1, 2, 4, 6 and 7 over *Cillessen*. The Applicant has also thoroughly read *Cillessen*. To warrant this §101 rejection of claims 1, 2, 4, 6 and 7, the scope of claims 1, 2, 4, 6 and 7 must substantively be the same as the scope of the claims recited in *Cillessen*. See, MPEP §804. The Applicant respectfully traverses this §101 rejection of claims 1, 2, 4, 6 and 7,

because *Cillessen* fails to claim “wherein said material of the first current conductor (2) is chosen from the group of $Y_pSi_3X_q$, wherein Y is chosen from Mo, W and Ta and X is B, Al, N or C with $4 \leq p \leq 5$ and $0 < q \leq 1$ ” as originally supported by cancelled dependent claim 2 and currently recited in independent claim 1 as amended herein.

Specifically, claim 2 of *Cillessen* recites “wherein said material of the first current conductor (2) is chosen from the group of $Mo_5(SiX)_3$, wherein X is B, Al, N or C” and the original subject matter of cancelled claim 2 herein recited ““wherein said material is chosen from the group of $Y_pSi_3X_q$, wherein Y is chosen from Mo, W and Ta and X is B, Al, N or C with $4 \leq p \leq 5$ and $0 < q \leq 1$ ”. At best, claim 2 of *Cillessen* encompasses $Mo_5Si_3X_0$ and by comparison, the original subject matter of cancelled claim 2 encompasses $Mo_5Si_3X_{0 < q \leq 1}$. Unequivocally, *Cillessen* does not claim the subject matter of cancelled claim 2 herein.

Withdrawal of the rejection of independent claim 1 as amended herein under 35 U.S.C. §101 as being the same invention claimed by *Cillessen* is therefore respectfully requested.

Claims 4, 6 and 7 depend from independent claim 1. Therefore, dependent claims 4, 6 and 7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 4, 6 and 7 are allowable over *Cillessen* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Cillessen*. Withdrawal of the rejection of dependent 4, 6 and 7 under 35 U.S.C. §101 as being the same invention claimed by *Cillessen* is therefore respectfully requested.

- C. Examiner Hana Asmat rejected claims 1, 4 and 7 under 35 U.S.C. §102(b) as being anticipated by International Application Publication WO 00/34980 to Voort et al.

The Applicant has thoroughly considered Examiner Hana Asmat’s remarks concerning the patentability of claims 1, 4 and 7 over *Voort*. The Applicant has also thoroughly read *Voort*. To warrant this §102(b) rejection of claims 1, 4 and 7, each and every element as set forth in independent claim 1 must be either expressly or inherently described in *Voort*. See, MPEP

§2131. The Applicant respectfully traverses this §102(b) rejection of independent claim 1, because *Voort* fails to describe, expressly or inherently, each and every element as originally recited in independent claim 1.

Specifically, claim 1 of *Cillessen* and claim 1 as originally recited herein are identical. Clearly, if claim 1 of *Cillessen* was allowed over *Voort* as evidenced by the listing of *Voort* of the cover page of *Cillessen*, then claim 1 as originally recited herein is allowable over *Voort*. Consequently, claim 1 as amended herein is allowable over *Voort*.

Withdrawal of the rejection of independent claim 1 under 35 U.S.C. §102(b) as being anticipated by *Voort* is therefore respectfully requested.

Claims 4 and 7 depend from independent claim 1. Therefore, dependent 4 and 7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 4 and 7 are allowable over *Voort* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Voort*. Withdrawal of the rejection of dependent claims 4 and 7 under 35 U.S.C. §102(b) as being anticipated by *Voort* is therefore respectfully requested.

- D.** Examiner Hana Asmat rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over International Application Publication WO 00/34980 to *Voort* et al. in view of U.S. Patent No. 5,795,837 to *We* et al.

Claim 2 depends from independent claim 1. Therefore, dependent claim 2 includes all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claim 2 is allowable over *Voort* in view of *We* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Voort*. Withdrawal of the rejection of dependent claim 2 under 35 U.S.C. §103(a) as being unpatentable over *Voort* in view of *We* is therefore respectfully requested.

- E. Examiner Hana Asmat objected to dependent claims 3 and 5 as being dependent a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims

The Applicant has added new independent claim 10 including the limitations as originally recited in independent claim 1 and the limitations of cancelled claim 3. The Applicant has also added claims 11-15 depending from independent claim 10. No new matter was introduced by the addition of claims 10-15. An allowance of claims 10-15 in view of independent claim 10 reciting the allowable subject matter of cancelled claim 3 is therefore respectfully requested.

New Claims 8 and 9. Claims 8 and 9 depend from independent claim 1. Therefore, dependent 8 and 9 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 8 and 9 are allowable over the art of record for at least the same reason as set forth herein with respect to independent claim 1 being allowable over the art of record, particularly *Cillessen* and *Voort*. No new matter was introduced by the addition of dependent claims 8 and 9. An allowance of dependent claims 8 and 9 is therefore respectfully requested.

SUMMARY

The Applicant respectfully submits that claims 1 and 4-15 as listed herein fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Hana Asmat is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,
Govert Nieuwland

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